

Serial No. 10/718,963  
Docket No. 3994648-129161C (CPP 0004 NA)  
Response date November 9, 2005  
Response to Office Action of August 9, 2005

#### REMARKS

##### Status of claims

Applicants thank the Examiner for the consideration given to the present application. Claims 6-9 were provisionally elected without traverse by Richard Killworth on July 26, 2005. Withdrawn claims 1-5 and 10 are now canceled without prejudice. Claims 6-9 are pending in the present application.

##### Rejection of Claim under 35 U.S.C. §112

Claim 8 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner stated that the claim is drawn to the pressure change in the slit over the pressure change in the channel, but the only limitation that can be found is that the ratio of the pressure changes is ">>1," making this vague and indefinite. Accordingly, Applicant has amended claim 8 to make it definite. Thus, Applicants respectfully request that the rejection of claim 8 be withdrawn.

##### Rejection of Claims under 35 U.S.C. §102

Claims 6, 7, and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dickhut (USPN 4,718,844). The Examiner stated that Dickhut teaches all the limitations of the rejected claims. Applicant respectfully traverses this rejection.

Under 35 USC §102, a single prior art reference must, either expressly or inherently, teach each and every element of the claims. MPEP 2131. Applicant respectfully asserts that Dickhut does not, expressly or inherently, teach every element of claims 6, 7, and 9 as required by §102. Applicant's independent claim 6 recites a method for delivering uniform vacuum pressure in the process of thermoforming a corrugated plastic pipe in a mold, comprising, *inter alia*, forming an air-tight manifold by providing an outer cover on the external lateral surface, the manifold being ported to a plurality of slits formed in the corrugation through a plurality of slots in the mold, the slots having a large cross-sectional area relative to the aggregate area of the slits.

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Dickhut discloses forming a manifold by securing channel members 34 to the backside of each groove 22, wherein the channel members 34 are U-shaped troughs having one end that opens to a vacuum header 38. (Col. 3, lines 33-41). Dickhut further teaches that the grooves 22 are formed with a ridge 26 extending along their bottom and slits 28 are intermittently cut along both sides of the ridge 26. (Col. 3, lines 27-29, FIG. 3).

Assuming for argument sake that Dickhut's channel members 34 teach Applicant's manifold 7 and Dickhut's slits 28 teach Applicant's slits 5. Applicant submits that Dickhut does not teach, expressly or inherently, Applicant's plurality of slots 6. The Examiner, in his rejection, attempts to point to Dickhut's slits (FIG. 3, Item 28) for both of Applicant's slits 5 and slots 6. Applicant asserts that these are distinct and separate limitations claimed in independent claim 6.

When a vacuum is pulled through Applicant's mold the air is pulled through the slits into the slots 6 (which have a large cross-sectional area relative to the aggregate area of the slits 5). The air is pulled through the slots 6 into the manifold 7, which directs the air to the vacuum port (FIG. 3C). In contrast, Dickhut pulls a vacuum through its mold such that the air is pulled through the slits 28 into channel member 34, which directs the air to the vacuum header 38. The air in Dickhut never travels through a plurality of slots and thus does not experience the pressure impact of this distinct flow path as recited in Applicant's claims.

Moreover, the Examiner alleges that Dickhut teaches Applicant's claim limitation, "the slots having a large cross-sectional area relative to the aggregate area of the slits" by pointing to Dickhut's slits 28 and channel member 34 shown in FIG. 3. However, Applicant's limitation recites the slots 6 have a large cross-sectional area relative to the aggregate area of the slits 5, not relative to the manifold 7. Thus, Applicant respectfully submits that Dickhut does not teach, expressly or inherently, forming an air-tight manifold by providing an outer cover on the external lateral surface, the manifold being ported to a plurality of slits formed in the corrugation through a plurality of slots in the mold, the slots having a large cross-sectional area relative to the aggregate area of the slits because Dickhut is **completely void** of any teaching of a **plurality of slots and slots that have a large cross-sectional area relative to the aggregate area of the slits**.

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Accordingly, Applicant respectfully requests the withdrawal of the rejection of independent claim 6 under 35 U.S.C. §102. As claims 7 and 9 depend from claim 6, Applicant request the rejection of these claims be withdrawn as well.

Rejection of Claims under 35 U.S.C. § 102 or §103

Claim 8 has been rejection under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Dickhut (USPN 4,718,844). In order to establish a prima facie case of obviousness under §103, the Examiner has the burden of showing, by reasoning or evidence, that the prior art references teach or suggest all the claim limitations. MPEP §2145. Applicant submits that since Dickhut does not teach each and every limitation of Applicant's independent claim 6 as set forth above and claim 8 depends from claim 6, the rejections of claim 8 should be withdrawn as well.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,  
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